IN THE HIGH COURT OF BOMBAY AT GOA
****

WRIT PETITION NO. 303 OF 2004

Shri Santosh Yeshwant
Pagui, r/o Colomb,
Near Palolem Beach,
Canacona, Goa. ... Petitioner

Versus

1. The Goa State Coop.
Bank Ltd., having its
office at Dayanand Smrit
Swami Vivekanand Road,
Panaji, Goa,

2. The Sale and Recovery
Officer, Registrar of
Coop. Societies c/o
The Goa State Coop Bank
Ltd., Regional Office,
South Zone, Borda,
Margao, Goa,

3. The Registrar of Co-
operative Societies,
Goa State, executing powers
of Central Registrar of
Cooperative Societies,
having his office at
Mala, Panaji, Goa, and

4. State of Goa, through
its Chief Secretary,
having office at
Secretariat, Panaji, Goa. ... Respondents.

Shri G. G. Kamat, advocate for the petitioner.

Shri A. V. Nigalye, advocate for respondent no.1.

Ms. Winnie Coutinho, Government Advocate for respondent no.2.

CORAM : S. A. BOBDE, J.

DATE : 16th July, 2004.

ORAL JUDGMENT

Rule returnable forthwith. Heard by consent.

2. The petitioner challenges the Order of the Registrar of Cooperative Societies, Goa, dated 30th October, 2003, dismissing the petitioner's appeal against the Order of the Sale and Recovery Officer in execution of the Award dated 10th September, 1998. This Award is in favour of the respondent, Goa State Cooperative Bank Ltd. The Registrar of the Cooperative Societies has dismissed the petitioner's appeal against the order in execution proceedings, primarily on the ground that the Award dated 10th September, 1998, of which execution is sought has not itself been challenged by the petitioner at any time. There is no dispute about this fact. The Registrar of Cooperative Societies is right in law in taking this view.

3. Even otherwise, as pointed out by the learned counsel for the respondent Bank, the petitioner has given an undertaking in which he has agreed to pay dues to the respondent Bank irrespective of the result of the suit pending between him and the Bank on one side and the trawler builder and the engine supplier on the other hand. In fact, the petitioner has undertaken not to deny his liability on the ground of pendency of the aforesaid suit, or on any other ground whatsoever. This also disentitles the petitioner to any relief. There is no merit in the petition, which is hereby dismissed.

S.A. BOBDE, J.